Supreme Court, U.S.
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No. 00-566

IN THE

Supreme Court of the United States

BRIAN WILLIS,

Petitioner,

v.

SCHOOL BOARD OF ST. LUCIE COUNTY, a state agency and LIN BUSHORE, individually and in her official capacity,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

AMENDMENT TO BRIEF IN OPPOSITION

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Respondents, SCHOOL BOARD OF ST. LUCIE COUNTY and LIN BUSHORE, submit this **Amendment to** Brief in Opposition to the petition for a writ of certiorari filed by BRIAN WILLIS.

On December 8, 2000, the Respondents filed a Brief in Opposition to Petitioner's Petition for writ of certiorari. In the Brief in Opposition, the Respondents stated that the District Court granted immunity for the School Board and Defendant Bushore. The District Court did grant qualified immunity for Defendant Bushore. However, a more accurate statement concerning the School Board is that the District Court determined that the School Board was not liable under 42 U.S.C. § 1983 because the action alleged was not taken by an official with final policymaking authority. See Appendix B, page 22a to Petition for writ of certiorari. Therefore, the Respondents submit this Amendment to Brief in Opposition to correct the references to the School Board being granted immunity in its Brief in Opposition.

As stated in the Brief in Opposition, even if the Supreme Court were to grant certiorari to answer the question presented on the First Amendment issue, the case is still moot. The Petitioner did not raise the issue of the School Board's liability or qualified immunity for Defendant Bushore in his petition. Regardless, any ruling on the First Amendment issue would not affect the determination by the District Court that the actions alleged were not taken by a municipal policymaker.

The instant Amendment does not change the substantive argument of the Respondents Brief in Opposition and the writ should be denied.

Respectfully submitted,

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